

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 22871 of 2007(W)

PETITIONER:

V.V.KARTHIYANI AMMA, MANAGER,
PULIYAKODE A.U.P. SCHOOL, PULIYACODE,
AKKAPARAMBA P.O., MANJERI, MALAPPURAM.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DISTRICT EDUCATIONAL OFFICER,
D.E.O'S OFFICE, MALAPPURAM.
3. THE ASSISTANT EDUCATIONAL OFFICER,
A.E.O'S OFFICE, KEEZHISSEERI.
4. V.V.SUNITHA, W/O.RAJENDRAN,
NADUTHODY HOUSE, P.O.PULICKAL,
MALAPPURAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06/08/2007, ALONG WITH WPC NO. 22891 OF 2006 THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.22871 OF 2007 & 22891 OF 2006

Dated this the 6th day of August, 2007

JUDGMENT

22891/2006

After arguing the case for sometime, learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to the petitioner to approach the Civil Court and establish her right. I am satisfied that the above prayer can be granted, particularly in view of the fact that the a Division Bench of this court in Writ Appeal No.1350/2000 and connected cases had held that the Civil Court had to decide the ownership and right of management finally.

2. It is true that at the time when the Division Bench disposed of those cases, O/S.44/2000 was pending before the Subordinate Judge's Court, Manjeri. The grievance of the petitioner is that the said suit was withdrawn by the plaintiff in collusion with respondent nos.4 and 5 who are none other than her own sister and mother, respectively. Anyhow, even assuming that there was collusion as alleged by the petitioner, it did not mean that petitioner could not have on her own filed

a suit before the competent Civil Court to establish her right. The Division Bench had taken the view that the matter had to be settled before the Civil Court.

3. In the above facts and circumstances, the writ petition is allowed to be withdrawn with liberty to the petitioner to approach the Civil Court and establish her right, if so advised.

W.P.(C)No.22871/07

4. In view of the disposal of Writ Petition No.22891/07, as above, this writ petition is closed with a direction to respondent no.3 to take a fresh decision on Exts.P3 to P5 expeditiously, since there is no legal impediment now in taking a decision in the matter in accordance with law.

Writ petition is closed.

A.K.BASHEER, JUDGE

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